





and small Tythes, arising, renewing and increasing out of, and from all or any Part of the said open Fields, Meadows and commonable Lands, and also to all the great and small Tythes of all the Gardens, Orchards, Homesteads and old inclosed Lands, within the said Liberties of Epperstone; and the Honourable William Howe, Esquire, John Adingfells Leake, Elizabeth Tottie, William Thorpe, Edward Briggs, George Briggs and others, are the Owners and Proprietors of all the Residue of the said open Fields, Meadows and commonable Lands:

And whereas the Lands and Grounds of the several Owners and Proprietors therein, lie greatly intermixed and dispersed in small Parcels, and in their present Situation are incapable of any considerable Improvement, and it would be advantageous to the Persons interested therein if the same was divided and inclosed: But, as such Division and Inclosure cannot be established without the Aid of Parliament;

May it therefore please your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That Thomas Oldknow, of the Town and County of the Town of Nottingham, John Watkinson of Loughborough, in the County of Leicester, and Henson Kirkby of Worksope, in the County of Nottingham, Gentlemen, and their Successors, to be elected in manner herein after-mentioned, shall be, and they are hereby appointed Commissioners for setting out, dividing and allotting the open Fields, Meadows and commonable Lands, within the Liberties of Epperstone, in the County of Nottingham, and for putting this Act in Execution, subject nevertheless to such Orders and Regulations as are herein after-mentioned.

And be it further Enacted, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act, unless it be the Power hereby given of administering Oaths, and of giving Notice of the First Meeting of the Commissioners for putting this Act in Execution, until he shall have taken and subscribed the following Oath, or an Oath to the following Effect:

I A. B. do swear that I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, bear and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of An Act for dividing and inclosing the open Fields, Meadows

Commission-  
ers  
Land

Oath to be  
taken.





Meadows and commonable Lands within the Liberties of Epperstone in the County of Nottingham, without Favour or Affection to any Person whatsoever.

Which Oath it shall be lawful for any One of the said Commissioners to administer; and the Oath so taken and subscribed by each Commissioner, shall be enrolled at the same Place, and at the same Time as the Award or Instrument of Allotment to be made by the said Commissioners, is in and by this Act directed and enacted to be enrolled.

And be it further Enacted, That all the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, and all the old Inclosures herein after-mentioned, and intended to be made Tythe-free, shall be surveyed and measured by the said Thomas Oldknow, or by such Person or Persons as the said Commissioners, or any Two of them, shall order and direct, and a Plan made of the whole, which Plan and Admeasurement shall be reduced into Writing, ascertaining the Contents of the whole, and the Contents of the Lands belonging to each and every Proprietor interested therein, and shall be laid before the said Commissioners, or any Two of them, at One of their Meetings, to be held in pursuance of this Act, to be by them kept for the Purposes of this Act.

Commissioners may survey or appoint a Surveyor.

And be it further Enacted, That the said Commissioners, or any Two of them, shall have full Power and Authority, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to set a Value, without Partiality, upon all the Lands and Grounds hereby intended to be divided and inclosed, and also a Value upon all the inclosed Lands within the Liberties of Epperstone aforesaid, which are intended in manner herein after directed to be made Tythe-free; and also, as soon as conveniently may be after the said Survey shall have been laid before them, and the Contents and Value of the whole, and the Contents and Value of each and every Part and Parcel thereof shall be ascertained, to make a Division of the Lands and Grounds hereby intended to be divided and inclosed, unto and amongst the several Persons interested therein, according to the Rules and Directions herein after-mentioned.

Commissioners to value Land.

And be it further Enacted, That the said Commissioners, or any Two of them, shall have full Power and Authority, and they are hereby authorized and required, in the first Place to assign, set out and appoint such Publick Highways and Bridle-ways in, over or through all or any Part or Parts of the Lands and Grounds hereby intended to be divided and inclosed, as are necessary and convenient, provided all such

Roads to be set out.



such Publick Highways (except Bridle-roads) shall remain Sixty Feet  
 wide at the least between the Ditches or other Fences, all which  
 Publick Highways and Bridle-ways shall be for ever thereafter repaired  
 and amended in the same manner as the Publick Highways and Bridle-  
 ways within the Liberties of *Epperstone* now are or by Law ought to  
 be repaired and amended; and in the next Place shall set out, allot  
 and assign to and for the said *John William Hopkins* and his Successors,  
 Rectors as aforesaid, so much and such Part of the Lands and Grounds  
 hereby intended to be divided and inclosed, as shall, Quantity, Qua-  
 lity and Situation considered, be equal in Value to the Glebe Lands  
 and Common Right in the said Lands hereby intended to be divided  
 and inclosed, which now belong to the said *John William Hopkins* as  
 Rector as aforesaid; and also such further Part of the Lands and  
 Grounds hereby intended to be divided and inclosed, as in the Judg-  
 ment of the said Commissioners, or any Two of them, shall be a full  
 Equivalent and Satisfaction for a certain Modus now paid to the said  
 Rector in lieu of Tythes of certain Meadow Lands, Part of the Lands  
 hereby intended to be divided and inclosed; and also such further Part  
 of the Lands and Grounds hereby intended to be divided and inclosed,  
 as shall be equal in Value to One-seventh Part of the Residue of the  
 open Fields and commonable Lands hereby intended to be divided and  
 inclosed after the said Roads are set out, and the said Glebe Lands  
 and Meadow Lands deducted from the whole; and also such further  
 Part of the Lands and Grounds hereby intended to be divided and in-  
 closed, as shall be equal in Value to Two-fifteenth Parts of all the  
 Gardens, Orchards, Homesteads and old inclosed Lands in the Li-  
 berties of *Epperstone* aforesaid, now subject and liable to Payment of  
 Tythes in kind, belonging to any Person or Persons who shall have  
 Lands or Common Right in the said Lands and Grounds hereby in-  
 tended to be divided and inclosed, and which Land so to be set out  
 shall be taken out of the Property of the Owners of such Gardens,  
 Orchards, Homesteads and old Inclosures respectively, all which said  
 Parts and Parcels of Land so to be set out to and for the said *John  
 William Hopkins* and his Successors, Rectors as aforesaid, shall be by  
 him and them for ever afterward taken and accepted in lieu of and in  
 full Bar of and Satisfaction and Compensation for all his and their  
 Glebe Lands and Common Right in the Lands and Grounds hereby  
 intended to be divided and inclosed, and all Tythes, Moduses and  
 Money Payments arising from or payable out of all or any of the  
 Lands and Grounds hereby intended to be divided and inclosed, and  
 all or any of the Gardens, Orchards, Homesteads and old Inclosures  
 belonging to any Proprietors of Land in the Lands and Grounds hereby  
 intended to be divided and inclosed, and for all Rectorial and Vicarial  
 Dues and Demands whatsoever, except Mortuaries, *Easter Offerings*  
 and Surplice Fees, and also except such Lands as are occupied as  
 Coppice only, for the Preservation and Growth of Wood, and such  
 Lands as belong to Persons who have no Property in the Lands hereby  
 intended

Alotment to  
the Rector  
in lieu of  
Glebe,

in lieu of a  
Modus,

in lieu of  
Tythes of  
Common  
Fields,

in lieu of  
Tythes of  
Inclosures.

Commission  
may order  
old Ditches  
to be  
cleared  
or  
new ones  
made

Commission  
may order  
old Ditches  
to be  
cleared  
or  
new ones  
made



intended to be divided and inclosed, which shall remain tytheable in the same manner as if this Act had never been made; and then the said Commissioners, or any Two of them, shall divide, set out, ascertain and allot the then Residue of the Lands and Grounds hereby intended to be divided and inclosed unto, between and amongst the said Honourable William Howe, Esquire, John Adingsells Lecke, Elizabeth Tottle, William Thorpe, and the rest of the Owners and Proprietors intitled to the said Lands and Grounds hereby intended to be divided and inclosed, or to any Common Right in, over or upon the same, in proportion to their respective Interest therein; provided that in case it shall appear to the said Commissioners, in making such Allotments to the said John William Hopkins and his Successors, that the said One-seventh Part and Two-fifteenth Parts, so to be allotted to the said John William Hopkins, in lieu of his Tythes as aforesaid, will fall short of the present Value of the said Tythes, that then, and in such Case the said Commissioners, or any Two of them, shall and do set out and allot to the said John William Hopkins as Rector as aforesaid, so much more of the Lands and Grounds hereby intended to be divided and inclosed, as shall make up the said One-seventh Part and Two-fifteenth Parts equal to the present Value of the said Tythes, and to all Expences that may attend the making the Subdivision Fences of the said Allotments, and all other incidental Expences whatsoever.

**Provided always,** That nothing in this Act contained shall authorize or empower the said Commissioners to give any undue Preference to any of the Persons interested in the said intended Division and Inclosure, but the said Commissioners shall have a due Regard to the Quantity and Quality of the Lands to be divided and set out, and also to the Situation and Contiguity of the same to the Houses and Estates of the several Persons to and for whom the said Lands shall be assigned and set out.

**And be it further Enacted,** That the said Commissioners, or any Two of them, shall order any old Ditches or Drains to be scowered and cleansed, or cause any new Ditches or Drains to be made upon any of the Lands and Grounds hereby intended to be divided and inclosed, which they shall think needful and convenient for draining and improving the said Lands and Grounds, and the Expence attending the same, shall be paid in such manner as they shall order and direct.

**And be it further Enacted,** That in case any Difference or Dispute shall arise between any of the Parties interested in the Lands and Grounds hereby intended to be divided and inclosed, concerning their Rights and Claims therein, it shall and may be lawful to and for the

No undue Preference to be given.

Commissioners may order old Drains or Ditches to be scowered and cleansed, or new ones to be made.

Commissioners to determine Differences.



And be it further Enacted, That all the Lands and Grounds hereby intended to be divided and inclosed, shall be so divided and inclosed, as that the said Commissioners, or any Two of them, and they are hereby authorized, and required by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby empowered to administer) or upon other proper and sufficient Evidence, and Satisfaction, to hear and finally determine the same, which Determination shall be finally binding and conclusive to all the said Parties.

Proprietors may exchange Allotments.

And be it further Enacted, That any House, Building or old Inclosures belonging to any of the Parties interested in the said Lands and Grounds hereby intended to be divided and inclosed (lying and being within the Liberties of *Epperstone* aforesaid) may by the said Commissioners, or any Two of them, by and with the Consent of the Parties interested, and not otherwise, be exchanged for any other House, Building or old Inclosures or Lands of equal Value, being part of the Lands and Grounds hereby intended to be divided and inclosed, and such Exchanges so made, by and with such Consent as aforesaid, and inserted in the Award herein after directed to be made, shall be good, valid and effectual in the Law to all intents and Purposes whatsoever.

Commissioners may appoint publick Foot-ways and private Ways.

And be it further Enacted, That the said Commissioners, or any Two of them, shall and may set out and appoint publick and private Foot-ways over all or any of the said Lands and Grounds hereby intended to be divided and inclosed; and also all private Horse, Carriage and Drift-ways to any of the Allotments to be made by virtue of this Act, or to any old Inclosures lying and being within the said Liberties of *Epperstone*, of such Breadth, and to and for such Uses and Purposes as the said Commissioners, or any Two of them, in and by their Award to be made as herein after directed, shall order and appoint; and that it shall not be lawful for any Person or Persons, after the Execution of the said Award, to use or claim the Use of any Ways either old or new, publick or private, over, within or through the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof, either on Foot, or with Horses, Cattle or Carriages, or otherwise, other than such Ways as shall be so ascertained, set out and appointed by the said Commissioners, or any Two of them, as aforesaid, and that all former Ways, or so much thereof as shall not be set out and appointed as Highways, shall be deemed Part of the Lands to be divided and inclosed by this Act, and that such publick and private Foot-ways, and private Horse, Carriage and Drift-ways, shall be repaired and amended by such Persons, and in such manner as the said Commissioners, or any Two of them, shall in their Award order and direct.

Old Fences being Boundaries, to be repaired and amended by such Persons, and in such manner as the said Commissioners, or any Two of them, shall in their Award order and direct.

And



And be it further Enacted, That all the Lands and Grounds to be set out unto and for the said *John William Hopkins* and his Successors, Rectors as aforesaid, shall within Twelve Calendar Months next after the signing and sealing of the Award, herein after directed to be made, by and at the Expence of all the other Proprietors as aforesaid, be mounded round by Ditches and Quickset Hedges, and fenced and preserved on each Side by and with Oak Posts and double Oak Rails, and shall for ever afterwards be kept in repair by the said *John William Hopkins* and his Successors, Rectors as aforesaid, on such Parts and Sides as the said Commissioners, or any Two of them, shall order and direct, and with respect to the Residue of the said Lands and Grounds hereby intended to be divided and inclosed, the Fences thereof shall be made by the several and respective Persons to and for whom the same shall be allotted, in such Manner and Proportions as the said Commissioners, or any Two of them, shall in their Award order and direct.

Lands of the Rector to be fenced at the Expence of all the other Proprietors.

Fencing.

And be it further Enacted, That if any Trees, Hedges, Bushes or Shrubs shall be standing and growing on any of the Lands and Grounds hereby intended to be divided and inclosed, at the Time of making such Division and Allotment as aforesaid, and such Lands shall be allotted to any Person or Persons other than the Person or Persons who was or were the Owner or Owners thereof, immediately before such Division and Allotment shall be made, such Person or Persons owning such Lands immediately before such Division and Allotment shall be made, shall have Liberty and Authority at any seasonable Time within Twelve Calendar Months next after making such Division and Allotment, to fell and cut down, and with Horses, Carts and Carriages to take and carry away the said Trees, Hedges, Bushes and Shrubs, at his and their Wills and Pleasures, and to and for his and their respective Use and Benefit.

Trees and Bushes to be taken away by the present Owners.

Provided always, That if any such Hedges now standing upon the Premises shall be assigned, limited or appointed as and for a Boundary, Fence or Fences to any Allotment or Allotments, they shall be left for the Benefit of the Person or Persons to whom such Allotment or Allotments shall be made, he, she or they paying so much Money to the former Owners thereof, as the said Commissioners, or any Two of them, shall order and direct.

Old Fences, being Boundaries, to be left.

And be it further Enacted, That it shall and may be lawful to and for any Person and Persons ordered and directed as aforesaid, to make the Fence or Fences for inclosing any of the Lands and Grounds hereby intended to be divided and inclosed, at any Time during the Term of Ten Years next after signing and sealing the said Award for the Preservation of their Quick Fences, to place down Stoops and Rails,

Guard Fences to be made.



Rails, or other Fences on the outside the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, and to take and carry away the said Stoops and Rails, and other Fences, at any Time within the said Term.

Lands not to be depastured within a limited Time.

**And be it further Enacted,** That for the more effectual Preservation of the Quick Fences to be planted for dividing and separating the Lands and Grounds hereby intended to be divided and inclosed, it shall not be lawful for any Proprietor, Owner or Occupier of Lands or Common-right in the said Liberties of *Epperstone*, to depasture either with Sheep or any other Cattle, any of the Highways which shall be made into Lanes over or through the said Liberties of *Epperstone*, for the Term of Seven Years next after the signing of the Award herein after-mentioned; nor shall it be lawful for any of the Proprietors, Owners or Occupiers of any Part of the Lands and Grounds hereby intended to be divided and inclosed, to keep or depasture any Sheep or Lambs in any of the Allotments to be made by virtue of this Act, for the Term of Five Years next after such Allotments shall be so made, unless the Person or Persons so keeping or depasturing such Sheep or Lambs shall first make or cause to be made a Fence sufficient to guard all the Quick Fences round such Allotments from being cropped, hurt or damaged by such Sheep or Lambs, whether such Quick Fences be planted and set by the Person or Persons owning or occupying such Allotments as aforesaid, or by any Person or Persons owning or occupying the Allotments adjoining thereto.

Convenient Gaps to be left.

**And be it further Enacted,** That convenient Gaps and Openings shall be left in the said Fences, for the Space of Six Months next ensuing the Execution of the said Award, for the passing of Cattle, Carts and Carriages, in, by and through the same, unless the several Persons interested therein shall agree and consent that the same shall be sooner fenced and made up.

What is to be done if Owners do not fence their Allotments within a limited time.

**And be it further Enacted,** That in case any Person or Persons, except the said *John William Hopkins*, and his Successors, Rectors as aforesaid, shall refuse or neglect within Twelve Calendar Months next after the signing and sealing the said Award or Instrument, or within any less Time to be appointed by the said Commissioners, or any Two of them, to inclose and fence the several Parcels of Land and Ground set out and allotted to him, her or them respectively as aforesaid, in such manner as the said Commissioners, or any Two of them, shall in such their Award order and appoint, it shall and may be lawful to and for the Person or Persons interested in the Lands and Grounds next adjoining to the Lands and Grounds allotted to the Person or Persons so refusing or neglecting, to exhibit a Complaint in Writing against such Person or Persons, before One or more of his Majesty's Justices of the Peace for the said County of *Nottingham*, not being



ing interested in the Lands and Grounds to be inclosed and fenced as  
afore said, who may summon the Parties concerned, examine into the  
Nature of the Complaint, and examine all proper Witnesses on Oath;  
and after such Summons and Examinations, shall and may, if he or  
they shall see cause, order, direct and appoint the Person or Persons  
exhibiting such Complaint, to make, repair and maintain the Ditches  
and Fences of the Person or Persons so neglecting or refusing, and also  
shall and may by Warrant under his or their Hand and Seal, or Hands  
and Seals, directed to the Person or Persons exhibiting such Complaint,  
cause the Charges and Expences of the making, repairing and maintain-  
ing the Ditches and Fences of the Person and Persons so refusing or  
neglecting, Demand being first made thereof, before One or more  
credible Witness or Witnesses, to be levied by Distress and Sale of the  
Goods and Chattels of the Person or Persons so neglecting or re-  
fusing to pay the same, rendering the Overplus (if any) to the Owner  
or Owners of such Goods and Chattels, after deducting the Costs and  
Charges of taking and making such Distress or Distresses and selling  
the same, or otherwise shall and may, by any Writing under his or their  
Hand and Seal, or Hands and Seals, authorize and empower the Person  
or Persons exhibiting such Complaint to enter into and upon the  
Premises so to be allotted to such Person or Persons refusing or neglect-  
ing to pay as afore said, and to take and receive the Rents and Profits  
thereof respectively, until thereby or therewith the Charges and Ex-  
pences of making, repairing and maintaining the Ditches and Fences of  
the Person or Persons so refusing or neglecting to pay as afore said, and  
also all Costs, Charges and Expences occasioned by or attending such  
Entry upon and Perception of the Rents and Profits of the same Pre-  
mises, shall respectively be fully paid and satisfied.

**And be it further Enacted,** That it shall and may be lawful to and  
for the said *John William Hopkins* and his Successors, Rectors as afore said,  
by and with the Consent and Approbation of the Archbishop of *York*  
for the Time being, to grant any Lease or Leases to any Person or Per-  
sons of the Lands and Grounds to be allotted to the said *John William*  
*Hopkins* and his Successors, Rectors as afore said, by virtue of this Act, for  
any Term or Number of Years not exceeding Twenty-one Years, so as  
the same shall commence within Six Calendar Months next after  
making the said Award, and so as no Fine shall be taken, and the Rent  
or Rents thereby reserved, be made payable to the Rector of the said  
Rectory for the Time being, and his Successors, and so as the usual  
Powers of Distress and Re-entry for Non-payment of such Rent or  
Rents, and other necessary Clauses be contained therein as are usual in  
Cases of the like Nature; any Law, Usage or Custom to the contrary  
thereof in any-wise notwithstanding.

Vicar may  
lease for 21  
Years.

**And be it further Enacted,** That the Lands and Grounds to be  
assigned, allotted and appointed, unto and for the several and respective  
Persons

Proprietors to  
accept Allot-  
ments.



When Right  
of Common  
to cease.

Guardians,  
&c. to accept  
for Persons in-  
capable.

Persons interested in the Lands and Grounds hereby intended to be divided and inclosed, shall, within the Space of Six Calendar Months next after the signing and sealing of the said Award, be taken and accepted by each and every of the Persons interested therein, in lieu of, and full Satisfaction and Compensation for their, and each and every of their several and respective Rights and Interests in the Lands and Grounds hereby intended to be divided and inclosed, and their Right of Common in, over and upon the same, and that all Right of Common in all and every Part thereof shall cease and be for ever extinguished, upon the said Commissioners executing the said Award, or so soon after as they, or any Two of them, shall therein direct and appoint.

**Provided always,** That the Guardians, Husbands, Trustees, Committees or Attornies of any Person or Persons being Minors, or otherwise incapable by Law to accept any such Allotment or Allotments, shall be and are hereby required to accept thereof for the Use of such Persons or Persons; and also that any Person or Persons intitled to any Allotment or Allotments, as Tenant or Tenants for Life or Lives, shall be and is and are hereby respectively enabled to take and accept of such Allotment or Allotments, and every such Acceptance respectively shall be and is hereby declared to be valid and effectual; any Thing herein contained to the contrary notwithstanding.

**Provided always nevertheless,** That the Non-acceptance of any Executor in Trust, Guardian, Husband, Committee, Trustee, Tenant for Life or Attorney, shall not exclude or any Way prejudice the Claim or Acceptance of any Feme-Covert, or any other Person under any Disability or Incapacity to accept, but any Person intitled as Heir or in Remainder, may claim and accept after any such Incapacity is removed.

Award to be  
made.

**And be it further Enacted,** That the said Commissioners, or any Two of them, shall within Six Calendar Months next after the Division and Allotments of the Lands hereby intended to be divided and inclosed shall be made, form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity and Contents in Statute Measure of the Acres, Roods and Perches contained in the said Lands and Grounds hereby intended to be divided and inclosed, and the Quantity and Contents of each and every Part and Parcel thereof, assigned and allotted to each of the Parties intitled to Lands, Tythes, Common-right, or any other Property within the same, and a Description of the Situation, Buttals and Boundaries of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out, making, maintaining, cleansing and keeping in repair the private Roads, Ways, Fences, Ditches, Banks, Drains, Bridges, Gates and Stiles in, upon and



and over the said intended Inclosure; and also all such Orders, Regulations and Determinations as are in and by this Act mentioned, directed and required to be made and established, and also such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy, convenient and effectual Execution thereof, and for removing all Difficulties and Disputes in relation to the Matters therein contained; which said Award or Instrument shall be fairly engrossed upon Parchment, and signed and sealed by the said Commissioners, or any Two of them, and shall, within Six Calendar Months next after the same shall be signed and sealed as aforesaid, be enrolled in One of his Majesty's Courts of Record at *Westminster*, or by the Clerk of the Peace for the County of *Nottingham*, to the end Recourse may be had to the same by any Person or Persons interested in the said intended Division and Inclosure; for the Inspection and Perusal whereof the Sum of One Shilling shall be paid and no more, and a true Copy of the whole, or any Part or Parts thereof, whenever and so often as the same shall be required, shall be delivered to any Person or Persons interested in the said intended Division and Inclosure, signed by the Clerk of the Peace or other proper Officer with whom the same shall be intolled, purporting the same to be a true Copy, for which no more shall be paid than Two-pence per Sheet, each Sheet containing Seventy-two Words; and so in proportion for any Number of Sheets or Words, which Copy, as also the original Award, shall at all Times be admitted in all Courts whatsoever as legal Evidence of the same; and the several Allotments, Partitions and Divisions so made and set forth in the said Award or Instrument, and the Orders and Regulations therein contained shall be and are hereby declared to be binding and conclusive unto and upon all and every the several Parties interested in the Lands and Grounds hereby intended to be divided and inclosed as aforesaid.

When Right  
of Common  
to cease

Guardians  
to accept  
for Persons  
incapable

Award to be  
observed

**And be it further Enacted**, That all and every Lease or Leases at Rack or extended Rent, subsisting of all or any Part or Parts of the Lands and Grounds hereby intended to be divided and inclosed, and all other Agreements at Rack or extended Rent, for any Time or Term therein, shall, immediately upon such Divisions and Allotments being made, and such Award or Instrument being executed as aforesaid, or as soon after as the said Commissioners, or any Two of them, shall in their Award appoint, cease, determine and be void, the respective Owners of such Parts of the said Lands and Grounds hereby intended to be divided and inclosed, who shall have made any such Lease or Leases or Agreements, making such Satisfaction to their several Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Two of them, shall ascertain as reasonable, to be paid to such Lessee or Lessees, Tenant or Tenants on Account thereof, or as an Equivalent for the same.

Leases to be  
void.

And



Fallow Fields  
to be plowed.

**And whereas** it will be a Detriment to the several Proprietors, if the Course of Husbandry be not regularly carried on in the said Lands and Grounds hereby intended to be divided and inclosed; **Be it therefore further Enacted**, That the Tillage Parts of such Fields as shall happen to be fallow the Year wherein such Division and Allotments shall be made, shall be plowed in a Husband-like Manner, Two several Times in that Year, between the First Day of *March* and the First Day of *August*, by the then Proprietors or Occupiers of such Lands and Grounds, and every Proprietor or Occupier, who shall neglect or refuse to plow the same, shall forfeit and pay to such Person or Persons to whom such Lands shall be assigned and allotted, the Sum of Ten Shillings an Acre, and so in proportion for a less Quantity than an Acre, for every Tilt omitted, or which shall not be so plowed as aforesaid, to be recovered by Application to the General or Quarter Sessions of the Peace for the County of *Nottingham*, in a summary Way, which Matter such Court of Sessions is hereby authorized to hear and finally determine, and to cause the Money that shall appear to be due for such plowing omitted as aforesaid, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant of the same Court, with reasonable Costs; and if any of the Persons interested in the said intended Division and Inclosure, shall not have so much Tillage Land allotted in the said Fallow Field as they shall so plow as aforesaid, they shall have and receive respectively, from the Person or Persons to whom such Lands and Grounds shall be respectively allotted, such Allowance and Satisfaction for such their Plowing as aforesaid, as the said Commissioners, or any Two of them, shall direct and think reasonable, and such Allowance and Satisfaction shall be recovered in manner aforesaid, with Costs as aforesaid.

Commissioners to order  
the Course of  
Husbandry.

**And be it further Enacted**, That from and after the passing of this Act the said Commissioners, or any Two of them, shall order, direct and appoint the Course of Husbandry to be used in the Tillage Parts of all the said Lands and Grounds hereby intended to be divided and inclosed, (except as to such Plowing as aforesaid) till such Time as they shall have compleated their said Award, and that all and every Person's Estate in the said Lands and Grounds hereby intended to be divided and inclosed, shall be liable and subject to such Directions as they shall appoint, with regard to the stocking, plowing, tilling, folding, sowing, or laying down the same.

Not to prejudice  
Will.

**And be it further Enacted**, That nothing in this Act contained shall extend, or be construed or adjudged to extend, to revoke, make void, alter or annul any Will or Settlement, or prejudice any Claim or Dower, Portion, Debt or Incumbrance, Quit Rents or other Rents, out of, upon or affecting any of the Lands and Grounds hereby intended to be divided and inclosed, (other than and except such Leases

or



or Agreements as aforesaid) but each and every Proprietor's Allotments, to be made by virtue of this Act, shall stand charged, and be chargeable with the same Debts, Rents and Incumbrances as their several Lands and Estates, dispersed in the said Lands and Grounds hereby intended to be divided and inclosed, was or were chargeable with or affected by before the passing of this Act.

23 And be it further Enacted, That it shall and may be lawful to and for the several Owners and Proprietors, for the Time being, of the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, and to and for the Husbands, Guardians, Trustees or Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Ideots, Lunaticks, or beyond the Seas, or being under any other Disability whatsoever, and to and for every or any of them for the Time being, and to and for all Persons acting as Guardians, Trustees or Committees for any of the said Proprietors, and to and for any of the said Proprietors being Tenants in Tail or for Life only (except the said *John William Hopkins* and his Successors, Rectors as aforesaid) from time to time to charge the Lands and Grounds which shall be assigned and allotted unto them by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Forty Shillings for each Acre, to be applied for defraying the Expences of passing this Act and putting the same in Execution, and making the Fences to such Lands and Grounds; and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease or demise, or otherwise subject the Lands and Grounds so to be assigned and allotted, unto such Person or Persons as shall respectively advance and lend such Money, his, her and their respective Executors, Administrators and Assigns, for any Term or Number of Years, so as such

24 Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money, thereby to be secured, with the Interest thereof, be fully satisfied and paid, and so as such Grant or Demise, which shall be made by any Person or Persons interested in or intitled to any such mortgaged Premises, for the Term of their natural Lives only, or by his, her or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Covenant to pay and keep down the Interest of the said Money, to be thereby respectively secured, during his, her or their respective Life or Lives, in such manner that no Person, afterwards becoming possessed of such Lands and Grounds, shall be subject or liable, to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue or commence, and every such Grant, Mortgage, Lease or Demise of the said Lands, Grounds and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid and effectual in the Law for the Purposes thereby intended,

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Tenants for Life may mortgage Allotments for Money to inclose not exceeding 40 s. per Acre.



intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees or Committees, or in the Persons acting as such, or in the said Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitations, or other Impediments or Incumbrances of or concerning the said Lands, Grounds and Premises, or any Part or Parts thereof, then in being, or capable of taking Effect, to the contrary notwithstanding.

Notice of Meetings to be given.

And be it further Enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required to give publick Notice, in the Parish Church of *Epperstone* afore said, upon some Sunday immediately after Divine Service, and also to affix a like Notice in Writing upon the Door of the said Church, of the Time and Place of their First and every other Meeting for executing the Powers vested in them by this Act, at least Ten Days before every such Meeting (Meetings by Adjournment only excepted) and if it shall happen that the said *John Watkinson* shall die or refuse to act, or if any other Person to be appointed in the room of the said *John Watkinson* shall die or refuse to act, the said *John William Hopkins* and his Successors, Rectors of the said Rectory, shall and may appoint another Commissioner in the room of every such Commissioner who shall die or refuse to act, and if any other of the Commissioners appointed by this Act, or to be elected in the manner hereafter mentioned, shall die or refuse to act, the Persons who shall respectively, for the Time being, be interested in the Lands and Grounds hereby intended to be divided and inclosed as afore said, or the major Part of them, in Number and Value, shall from time to time, within One Calendar Month next after the Death or Refusal to act of such Commissioner or Commissioners, by Writing under their Hands and Seals, appoint One or more Commissioner or Commissioners, not interested in the said intended Division and Inclosure, instead of the Commissioner or Commissioners so dying or refusing to act as afore said; and every such Commissioner so appointed shall have the like Power to act as any Commissioner appointed by this Act, is hereby empowered to act, provided that publick Notice be given in the said Parish Church of *Epperstone*, upon some Sunday immediately after Divine Service, and a like Notice in Writing be affixed on the Door of the said Church of the Time and Place of Meeting for choosing and appointing such last-mentioned Commissioner or Commissioners, at least Twenty Days before every such Meeting.

For paying the Expences.

And be it further Enacted, That the Charges and Expences of passing this Act, and all other the Costs and Charges attending the Execution thereof shall be borne and defrayed by all the Proprietors and Owners of Lands, and Persons interested in the said Fields, Meadows and commonable Lands hereby intended to be divided and inclosed (other



(other than and except the said Rector, and his Successors) by an equal Pound Rate according to the Value of the Lands and Grounds each Person shall have allotted to him, her or them respectively, by virtue of this Act, to be settled and adjusted by the said Commissioners, or any Two of them; and that in case any of the Owners or Proprietors, or Persons aforesaid, shall neglect or refuse to pay his, her or their Proportion of the Expences as aforesaid, to such Person or Persons, at such Time and in such Manner as the said Commissioners, or any Two of them, either before or after their executing of the said Award or Instrument, by a Notice or Notices in Writing, under the Hands of the said Commissioners, or any Two of them, to be affixed on the Door of the Parish Church of *Epperstone* aforesaid, shall order and direct, which Notice is hereby directed to be affixed Fourteen Days at least before the Time of such Payment, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they shall and may, and are hereby empowered by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of making such Distress and Sale, and in case no sufficient Distress can be had or taken as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Two of them, or any other Person to be authorized by them, to enter into and upon the Premises so to be allotted to such Person or Persons so neglecting or refusing as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Charges and Expences aforesaid, so to be ordered and directed by the said Commissioners, or any Two of them, to be paid by such Person or Persons, and also all Costs, Charges and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

**And be it further Enacted,** That if any Person or Persons shall think him, her or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are directed to be final, binding and conclusive upon all Parties) he, she or they may appeal to the General Quarter-Sessions of the Peace which shall be held for the County of *Nottingham*, within Six Months next after the Cause of Complaint shall have arisen; and the Justices, in their said General Quarter-Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion

Persons aggrieved may appeal to the Quarter-Sessions.



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tion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale, which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* or elsewhere.

Saving of  
Rights to the  
Lord of the  
Manor.

**And be it further Enacted**, That nothing in this Act contained shall prejudice, lessen or defeat the Right, Title or Interest of the Lord or Lords of any Manor or Manors within the Jurisdiction or Limits whereof the Lands and Grounds hereby intended to be divided and inclosed are lying and being, or of their Heirs or Assigns, or of any future Lord or Lords of the said Manor or Manors, in or to the Seignories, Royalties, Rights and Services, incident and belonging to the said Manor or Manors; but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in Trust for him or them as Lord or Lords of the said Manor or Manors, shall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites and Profits of Courts, and all other Royalties, Priviledges and Jurisdictions to the said Manor or Manors, or to the Lord or Lords thereof belonging (other than and except such Right of Common as can or may be claimed by the Lord or Lords of the said Manor or Manors, upon the Lands and Grounds hereby intended to be divided and inclosed) in as full, ample and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same in case this Act had not been made.

General  
Saving.

**Saving always** to the KING's most Excellent MAJESTY, 30  
his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her and their Heirs, Successors, Executors and Administrators (other than and except all such Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act, his, her and their Heirs, Executors and Administrators respectively) all such Estate, Right, Title and Interest as they, every or any of them had and enjoyed, of, in, to or in respect of the said Lands and Grounds hereby intended to be divided and inclosed, or could or might have enjoyed in case this Act had not been made; but no such other Person or Persons, Bodies Politick or Corporate, his, her or their Heirs, Executors, Administrators or Successors, shall have Power to disturb any of the Allotments to be made in pursuance of this Act, but shall accept the respective Allotments which shall be made in lieu of the Lands, Common-rights, Tythes and other Interest in



in the said Lands and Grounds hereby intended to be divided and inclosed, which he, she or they would have been intitled to in case this Act had not been made, and shall be intitled to recover such Allotments as fully as he, she or they would have been intitled to have recovered the Lands, Grounds, Common-rights and Tythes, in lieu of which such Allotments shall be made as aforesaid.

rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels after deducting the reasonable Charges of every such Distress and Sale, which Determination of the said Justice shall be final and conclusive in all Cases concerned, and shall not be removed or removable by Writ or Process, or any other Writ or Process, into any of his Majesty's Courts of Record at Westminster or elsewhere.

And be it further enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Right, Title or Interest of the Lord or Lords of any Manor or Manors within the Jurisdiction or Limitations wherof the Lands and Grounds hereby intended to be divided and inclosed are lying and being, or of their Heirs or Assigns, or of any future Lord or Lords of the said Manor or Manors, in or to the Seigniorities, Royalties, Rights and Services, Incident and belonging to the said Manor or Manors, but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in Trust for him or them as Lord or Lords of the said Manor or Manors, shall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Peculiarities and Profits of Courts, and all other Royalties, Privileges and Jurisdictions to the said Manor or Manors, or to the Lord or Lords thereof belonging (other than and except such Right of Common as can or may be claimed by the Lord or Lords of the said Manor or Manors, upon the Lands and Grounds hereby intended to be divided and inclosed) in as full, ample and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same in case this Act had not been made.

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A C T

F O R

Dividing and Inclosing the  
open Fields, Meadows and  
commonable Lands within  
the Liberties of Epper-  
stone, in the County of  
Nottingham.

[ 1768. ]



